

The Honorable Judge Marsha J. Pechman

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

TRAVIS MICKELSON, DANIELLE H.  
MICKELSON, and the marital community  
thereof,

Plaintiffs,

v.

CHASE HOME FINANCE, LLC, an unknown  
entity; JPMORGAN CHASE BANK, N.A., a  
foreign corporation; MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
INC., a foreign corporation; NORTHWEST  
TRUSTEE SERVICES, INC., a domestic  
corporation; JOHN DOES, unknown entities;  
MORTGAGEIT, INC., a foreign corporation;  
GMAC MORTGAGE CORPORATION, a  
foreign corporation; CHICAGO TITLE, an  
unknown corporation; ROUTH CRABTREE  
OLSEN, P.S., a domestic Personal Services  
Corporation; and FEDERAL HOME LOAN  
MORTGAGE CORPORATION, a corporation,

Defendants.

No. 11-01445-MJP

**DECLARATION OF VONNIE  
MCELLIGOTT IN SUPPORT OF  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

I, VONNIE MCELLIGOTT, hereby declare:

1. I am a Foreclosure Team Manager and Assistant Vice President for Northwest Trustee Services, Inc. ("NWTS"), Defendant herein. This Declaration is made in support of Defendant NWTS' Motion for Summary Judgment ("Motion"). I am a citizen of the United States, I am over the age of 18, and I make the following Declaration based upon my own

1 personal knowledge and if called to testify in this action I could and would competently testify  
2 thereto.

3 2. I have personal knowledge of the procedures governing the creation and  
4 maintenance of NWTs' nonjudicial foreclosure files and I am familiar with the record keeping  
5 procedures of NWTs as to those records that pertain to the nonjudicial foreclosure proceeding  
6 against the property commonly known as 436 Ezduzit Lane, Camano Island, WA 98282 (the  
7 "Property"), which was the subject of the nonjudicial foreclosure ("Mickelson Foreclosure"),  
8 which is the subject of this lawsuit.

9 3. I have reviewed the records that pertain to the Mickelson Foreclosure and as to  
10 the following facts, I know them to be true of my own knowledge or I have gained knowledge of  
11 them from the business records of NWTs on behalf of NWTs, which records were made at or  
12 about the time of the events recorded, and are maintained in the ordinary course of NWTs'  
13 business at or near the time of the acts, conditions or events to which they relate. Any such  
14 document was prepared in the ordinary course of business of NWTs by a person who had  
15 personal knowledge of the event being recorded and had or has a business duty to record  
16 accurately such event. To the extent NWTs' business records contain documents created by  
17 third parties, NWTs relies on the accuracy of such records in conducting its business carrying  
18 out nonjudicial foreclosure proceedings.

19 4. On or about October 9, 2007, pursuant to an agreement among MERSCORP, Inc.,  
20 Mortgage Electronic Registrations Systems, Inc., Chase Home Finance, and Routh Crabtree Olsen  
21 on behalf of Northwest Trustee Services (the "Agreement"), I was appointed a vice president of  
22 Mortgage Electronic Registration Systems, Inc. A true and correct copy of the Agreement is  
23 attached hereto as **Exhibit 1**.

24 5. The Agreement authorized me to "assign the lien of any mortgage loan registered on  
25 the MERS System that is shown to be registered to Chase Home Finance, LLC or its designee" and  
26 to "execute any and all documents necessary to foreclose upon the property securing any mortgage  
loan registered on the MERS System that is shown to be registered to Chase Home Finance, LLC."

1           6.       On or about August 25, 2008, NWTS received a nonjudicial foreclosure referral  
2 from Chase Home Finance LLC.

3           7.       The referral indicated Plaintiffs were in default under the subject Note and Deed  
4 of Trust based on failure to tender the payment due on or about August 1, 2008 and every  
5 payment thereafter due.

6           8.       The referral instructed NWTS to foreclose in the name of Chase Home Finance  
7 LLC.

8           9.       On or about August 25, 2008, I executed an assignment of deed of trust  
9 (“Assignment”) from MERS, as nominee for Chase Home Finance LLC as successor beneficiary  
10 to MHL Funding Corp. to Chase Home Finance LLC. A true and correct copy of the Assignment  
11 is attached hereto as **Exhibit 2**.

12           10.      I signed the Assignment in my capacity as Vice President of MERS pursuant to  
13 Exhibit 1. The Assignment was recorded on September 19, 2008 under Island County Auditor’s  
14 No. 4236910. *Id.*

15           11.      On or about August 25, 2008, NWTS, as the duly authorized agent of Chase  
16 Home Finance LLC transmitted a notice of default (“Notice of Default”).

17           12.      Pursuant to instruction from Chase Home Finance LLC, NWTS closed its  
18 nonjudicial foreclosure file on or about April 2, 2009.

19           13.      Then, on or about July 27, 2010, NWTS received a second referral from Chase  
20 Home Finance LLC to begin a nonjudicial foreclosure proceeding against the Property on behalf of  
21 Chase Home Finance LLC.

22           14.      The referral indicated Plaintiffs were in default under the subject Note and Deed  
23 of Trust based on failure to tender the payment due on or about August 1, 2008 and every  
24 payment thereafter due.

25           15.      The referral instructed NWTS to foreclose in the name of Chase Home Finance  
26 LLC.

16. On or about August 19, 2010, in satisfaction of the proof requirement under RCW 61.24.030(7)(a), NWTS received a declaration (the “Beneficiary Declaration”) from Chase Home Finance LLC. A true and correct copy of the Beneficiary Declaration is attached hereto as **Exhibit 3**.

17. The Beneficiary Declaration, dated August 17, 2010, declared, under the penalty of perjury, “Chase Home Finance LLC is the actual holder of the promissory note or other obligation evidencing the above-referenced loan or has requisite authority under RCW 62A.3-301 to enforce said obligation.” The Beneficiary Declaration further provided that “the trustee may rely upon the truth and accuracy of the averments made in this declaration.” The Beneficiary Declaration was signed by Susan Massie, as Vice President of Chase Home Finance LLC, beneficiary.

18. Thereafter, on or about September 6, 2010, NWTS executed a notice of trustee's sale ("Notice of Sale"), which was recorded September 7, 2010. A true and correct copy of the Notice of Sale is attached hereto as **Exhibit 4**.

19. The Notice of Sale was posted at the subject property on or about September 6, 2010 and mailed on or about September 8, 2010. A true and correct copy of the Affidavits of Posting and Mailing of Notice of Sale are attached hereto as **Exhibits 5 and 6**.

I declare under penalty of perjury and the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

SIGNED this 7<sup>th</sup> day of September, 2012.

**NORTHWEST TRUSTEE SERVICES, INC.**

By: /s/ Vonnie McElligott  
 Vonnie McElligott, Declarant